

Message Text

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ACTION IO-13

INFO OCT-01 EUR-12 ISO-00 CCO-00 CIAE-00 OTPE-00 EB-08
FCC-01 INR-07 NSAE-00 OC-06 COME-00 BIB-01 USIE-00
INRE-00 SSO-00 IOE-00 AF-08 ARA-06 EA-07 NEA-10
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FM USMISSION GENEVA
TO SECSTATE WASHDC IMMEDIATE 6352
AMCONSUL MUNICH IMMEDIATE

C O N F I D E N T I A L GENEVA 2480

MUNICH FOR O'NEILL

E.O.11652: GDS
TAGS: ETEL, ITU
SUBJECT: ITU: GROWING CONFLICT BETWEEN SECRETARY GENERAL AND
CCIR DIRECTOR KIRBY

1. IN CONNECTION WITH DISCUSSION OF 1978 CCIR PLENARY
ASSEMBLY (SEE SEPTTEL), CCIR DIRECTOR KIRBY REVEALED
A SHARP AND GROWING DIFFERENCE OF OPINION BETWEEN HIMSELF
AND SYG MILI OVER THE AUTONOMY OF THE CCIR AND BY
EXTENSION OF THE OTHER ORGANS OF THE ITU.

2. CURRENT SITUATION DEVELOPED OUT OF THE NEGOTIATIONS
WITH THE JAPANESE OVER THE LATTER'S DESIRE TO HOST THE
CCIR PLENARY ASSEMBLY IN JUNE 1978. IN ANTICIPATION
OF THE RECEIPT OF AN INVITATION FROM THE JAPANESE, KIRBY
COMPOSED A DRAFT RESPONSE FOR HIS OWN SIGNATURE WHICH
WAS SENT TO DEPUTY SYG BUTLER FOR CLEARANCE. SUBSEQUENT
DRAFTS WENT BACK AND FORTH BETWEEN KIRBY AND BUTLER
AND BY TIME BUTLER DEPARTED ON CURRENT U. S. TRIP, KIRBY
HAD A FOURTH DRAFT OF BUTLER'S WHICH HE FOUND UNACCEPTABLE.
HE PLANNED TO DISCUSS DIFFERENCES WITH BUTLER ON LATTER'S
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RETURN. HE NOTIFIED MILI, WHO HAD JUST RETURNED FROM A
TRIP, OF THIS, BUT MILI TOLD HIM HE WANTED TO
GET LETTER OUT SOON. KIRBY ADVISED HE WOULD SUBMIT
PROPOSED CHANGES TO MILI. NEXT THING KIRBY KNEW, HE
RECEIVED INFO COPY OF LETTER MILI HAD ALREADY SENT TO
JAPANESE UNDER HIS OWN SIGNATURE.

3. KIRBY WAS ABSOLUTELY FURIOUS. FIRST OF ALL, HIS INTENTION WAS TO HAVE LETTER GO OUT UNDER CCIR DIRECTOR'S SIGNATURE ONLY WHEN JAPANESE INVITATION HAD BEEN RECEIVED; IT STILL HAS NOT BEEN. LETTER CAUSED CONSIDERABLE CONFUSION IN TOKYO, ALTHOUGH KIRBY STATES HE HAS BEEN ABLE TO CALM JAPANESE DOWN BY PHONE.

4. BUT MORE FUNDAMENTAL PROBLEM IS WHAT KIRBY REGARDS AS SYG'S INTENTION TO TAKE ONTO HIMSELF POWERS ASSIGNED IN 1973 ITU CONVENTION TO OTHER ORGANS. RELEVANT PARAGRAPHS ARE: 413, WHICH PROVIDES THAT, SUBJECT TO PROVISIONS OF PARA 393, CCI DIRECTORS SHALL MAKE ALL NECESSARY PREPARATIONS FOR MEETINGS OF PLENARY ASSEMBLIES; AND 393 WHICH STATES THAT SYG SHALL BE RESPONSIBLE FOR NECESSARY ADMINISTRATIVE AND FINANCIAL ARRANGEMENTS "IN AGREEMENT" WITH DIRECTOR OF CCI CONCERNED, FOR MEETINGS OF PLENARY.

5. KIRBY ASSERTS THAT MILI IS EXCEEDING HIS TERMS OF AUTHORITY IN PREPARATORY STAGES UNDER 393 AND THAT REGARDING 413, HE UNDERTAKING DIRECT CONTACT WITH MEMBER STATE WITHOUT EVEN CONSULTING, MUCH LESS OBTAINING AGREEMENT, OF CCI DIRECTOR AS REQUIRED IN CONVENTION.

6. UPON RECEIPT OF COPY OF MILI'S LETTER TO JAPANESE, HE FIRED OFF STIFF LETTER TO MILI, ATTACKING HIS ACTION ON BASIS OF CONVENTION PROVISIONS AND CHARACTERIZING MILI'S ACTION AS EXPRESSION OF LACK OF CONFIDENCE AND PERSONAL ATTACK ON DIRECTOR OF CCIR. KIRBY ADVISED CONFIDENTIAL

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SYG THAT HE INTENDS TO BRING UP MATTER AT COORDINATION COMMITTEE MEETING ON APRIL 18.

7. SHORTLY AFTERWARD, MILI TELEPHONED KIRBY AND DENIED ANY PERSONAL BIAS OR MOTIVATION FOR HIS ACTION BUT INSISTED HE WAS FULLY WITHIN CONVENTION TERMS IN DOING WHAT HE DID. IN A SUBSEQUENT LETTER TO KIRBY, HE CITED PARAS 393 AND 271 AND MAINTAINED THAT "AGREEMENT" REQUIRED UNDER 393 WAS SIMPLY AN "INTERNAL MATTER".

8. KIRBY IS TOTALLY UNSATISFIED WITH MILI'S RESPONSE AND WILL PURSUE MATTER AS NOTED AT COORDINATION COMMITTEE MEETING ON APRIL 18. HE HAS ALREADY DISCUSSED SITUATION WITH CCITT DIRECTOR BURTZ AND IFRB CHAIRMAN PERRIN, WHO FULLY SHARE KIRBY'S VIEW THAT MILI'S ACTION REPRESENTS ATTEMPT BY SYG TO CHIP AWAY AT THOSE ELEMENTS OF INDEPENDENCE OF SPECIALIZED ORGANS WHICH ARE SPECIFICALLY PROTECTED INCONVENTION.

9. KIRBY HAS EXPRESSED DESIRE TO SPEAK TO JOHN O'NEILL,
U.S. REP TO ITU ADMIN COUNCIL, WHO IS CURRENTLY IN EUROPE,
ABOUT THIS MATTER. IF POSSIBLE, MISSION URGES DEPT.
TO PROVIDE FOR O'NEILL'S
STOPOVER IN GENEVA.

10. FOR MUNICH: PLEASE PASS TEXT OF FOREGOING TO
O'NEILL, WHO IS STAYING AT HOTEL AMBA, ARNULFSTRASSE 20.SORENSEN

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NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
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Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
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Executive Order: GS
Errors: N/A
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